

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No.
)	[UNDER SEAL]
JOHN MILLER)	

05-315

INDICTMENT MEMORANDUM

AND NOW comes the United States of America, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Tina O. Miller, Assistant United States Attorney for said District, and submits this Indictment Memorandum to the Court:

I. THE INDICTMENT

A Federal Grand Jury returned a two-count Indictment against the above-named defendant for alleged violations of federal law:

<u>COUNT</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>
1	Inducing a Minor to Engage In Illegal Sexual Activity From in and around October, 2003, until on or about October 14, 2004	18 U.S.C. § 2422(b)
2	Transferring obscene material to a minor in and around May, 2004	18 U.S.C. § 1470

II. ELEMENTS OF THE OFFENSES

A. As to Count One

In order for the crime of Inducing a Minor to Engage in Illegal Sexual Activity, in violation of Title 18, United States Code, Section 2422(b), to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That the defendant knowingly used the mail or any facility or means of interstate or foreign commerce;
2. To persuade, induce, entice or coerce any individual who had not attained the age of 18 years;
3. To engage in any sexual activity for which any person could be charged with a criminal offense.

Title 18, United States Code, Section 2422(b).

B. As to Count Two

In order for the crime of transfer of obscene material to minor in violation of 18 U.S.C. §1470 to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That the defendant transferred obscene material to another individual;
2. That the other individual had not attained the age of 16 years;
3. That the defendant knew the other individual had not attained the age of 16 years;

4. That the defendant used the mail or any facility or means of interstate or foreign commerce to transfer the material;

5. That the defendant acted knowingly.

Title 18, United States Code, Section 1470.

III. PENALTIES

A. As to Count One: Inducing a Minor to Engage in Illegal Sexual Activity, in violation of Title 18, United States Code, Section 2422(b).

1. Imprisonment of not less than five (5) years and not more than thirty (30) years, 18 U.S.C. § 2422(b);

2. A fine of not more than \$250,000.00, 18 U.S.C. § 3571(b)(3);

3. A term of supervised release of up to life, 18 U.S.C. § 3583(k);

4. Any or all of the above.

B. As to Count Two: Transfer of Obscene Material to a Minor in violation of Title 18, United States Code, Section 1470.

1. Imprisonment of not more than ten (10) years;

2. A fine of \$250,000.00, 18 U.S.C. §3571 (b)(3);

3. A term of supervised release of not more than three (3) years;

4. Any or all of the above.

IV. MANDATORY SPECIAL ASSESSMENT

A mandatory special assessment of \$100.00 must be imposed, pursuant to 18 U.S.C. § 3013, upon each count of conviction, as the offenses occurred on or after April 24, 1996.

V. RESTITUTION

Restitution is mandatory pursuant to 18 U.S.C. § 3663, 3663A and 2259.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

A handwritten signature in black ink, appearing to read 'Tina O. Miller', is written over a horizontal line.

TINA O. MILLER
Assistant U.S. Attorney
PA ID No. 71101